

Nos. 24-2044, 24-4045

In the United States Court of Appeals for the Fourth Circuit

REPUBLICAN NATIONAL COMMITTEE; NORTH CAROLINA REPUBLICAN PARTY,
Plaintiffs-Appellees

v.

NORTH CAROLINA STATE BOARD OF ELECTIONS, *et al.*,
Defendants-Appellants

DEMOCRATIC NATIONAL COMMITTEE,
Intervenor / Defendant-Appellant

From the United States District Court
for the Eastern District of North Carolina
The Honorable Richard E. Myers II (No. 5:24-CV-00547)

**RESPONSE OF PLAINTIFFS-APPELLEES TO DEFENDANTS-
APPELLANTS' MOTION TO EXPEDITE APPEALS**

PHILLIP J. STRACH
JORDAN A. KOONTZ
**NELSON MULLINS RILEY &
SCARBOROUGH LLP**
301 HILLSBOROUGH STREET, SUITE
1400
RALEIGH, NORTH CAROLINA 27603
PH: (919) 329-3800
PHIL.STRACH@NELSONMULLINS.COM
JORDAN.KOONTZ@NELSONMULLINS.COM

As explained in their Response in Opposition to Defendants-Appellants' Motion to Stay, (Doc. 19), Plaintiffs-Appellees maintain that this matter should proceed in state court without delay. As the district court rightly observed, the remaining claim in this matter presents a novel question of state law of which the state courts of North Carolina should decide. *Id.* at p. 7; *see also* Op. 43-44. As such, the district court's order remanding Count II to state court was proper and should be enforced promptly.

Although Plaintiffs-Appellees contend that Count II should be allowed to swiftly proceed in state court, to the extent the Court is inclined to stay such proceedings and exclusively entertain this improper appeal, delving into the thicket of state law and comity issues it presents, then Plaintiffs-Appellees consent to expediting this appeal such that they may obtain relief as soon as possible. Should the Court expedite the appeal, Plaintiffs-Appellees defer to the Court regarding setting briefing schedules.

Respectfully submitted, this the 22nd day of October, 2024.

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

/s/ Phillip J. Strach

Phillip J. Strach

North Carolina State Bar no. 29456

Jordan A. Koonts

North Carolina State Bar no. 59363

301 Hillsborough Street, Suite 1400

Raleigh, NC 27603

Ph: (919) 329-3800

phil.strach@nelsonmullins.com

jordan.koonts@nelsonmullins.com

**BAKER DONELSON BEARMAN
CALDWELL & BERKOWITZ, PC**

John E. Branch, III

North Carolina State Bar no. 32598

Thomas G. Hooper

North Carolina State Bar no. 25571

2235 Gateway Access Point, Suite 220

Raleigh, NC 27607

Ph: (984) 844-7900

jbranch@bakerdonelson.com

thooper@bakerdonelson.com

Counsel for Plaintiffs-Appellees

CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitations of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 153 words, excluding the parts of the brief exempted by FRAP 32(f).

2. This brief complies with the typeface and style-requirements of FRAP 27(d)(1) and 32(a)(5) because it has been prepared in a proportionally spaced typeface using Microsoft Word for Office 365 in 14-point Century Schoolbook font.

October 22, 2024

/s/ Phillip J. Strach
Phillip J. Strach
NELSON MULLINS RILEY &
SCARBOROUGH LLP
301 Hillsborough St., Ste 1400
Raleigh, NC 27603
(919) 329-3800
phil.strach@nelsonmullins.com

Counsel for Plaintiffs-Appellees

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2024, I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

October 22, 2024

/s/ Phillip J. Strach
Phillip J. Strach
NELSON MULLINS RILEY &
SCARBOROUGH LLP
301 Hillsborough St., Ste 1400
Raleigh, NC 27603
(919) 329-3800
phil.strach@nelsonmullins.com

Counsel for Plaintiffs-Appellees